

## Remarks

Applicants respectfully request entry of the above amendment and reconsideration in view of the amendment and the following remarks.

The status of the application is as follows. Claims 1 and 3-20 remain pending in the application. Claims 1, 3-6, 9, 11, and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over GB 2296811 to Shindo. Claims 7, 8, and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shindo in view of GB 0391424 to Umesaki. Claim 10 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shindo in view of US 5,508,994 to Nakamichi *et al.* (hereinafter, "Nakamichi"). Claims 13-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shindo in view of JP 6-131793 to Clarion.

### 35 U.S.C. §103

Claims 1, 3-6, 9, 11, and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over GB 2,296,811 to Shindo.

The Examiner alleges that Shindo discloses a disc storage system wherein the discs are in respective storage trays which are vertically stacked and can be rotated to any of storage, access, and read positions. Applicants respectfully disagree with this analysis.

Regarding independent claims 1 and 20, Applicants maintain that Shindo does not teach or suggest, *inter alia*, a changer apparatus for information discs, including "transport means for transporting the information discs from the eject position into a loading position along a curve-

shaped loading path, the loading position being a position for loading discs from the loading path of the transport means into the stacking positions of the stacking unit; and in which the play position is along the loading path between the eject position and the loading position.” Thus, the disc travels back and forth through three positions in this particular sequence: eject, read, store.

In contrast, Shindo presents a disc changer wherein a disc travels back and forth through three positions in this sequence: eject, store, read. Shindo teaches a working disc handling mechanism 10 with a particular disc travel sequence. Shindo does not, however, provide any motivation for changing the particular sequence. Applicants assert, therefore, that it would not have been obvious to one skilled in the art at the time the invention was made, to alter the disc changer of Shindo in order to change the order of the three positions through which a disc must travel. Moreover, such an alteration would require one to rearrange the structure and components of Shindo.

The Examiner suggests that such an alteration to Shindo would be an obvious or minor alteration. Applicants strenuously disagree, noting that such an assumption requires the use of improper hindsight. Such an alteration would require completely rearranging the majority of the internal mechanisms of Shindo, since the relative positions of the read and store mechanisms would need to be reversed, which is in itself impractical given, *inter alia*, the positions of the read and store mechanisms within the disc handling mechanism housing. For example, referring to Figure 1 of Shindo, note the relative proportions of the distances from the left edge of the disc trays 12 to the center of vertical shaft 14, and from the center of vertical shaft 14 to the right edge of disc handling mechanism 10. The width of the space to the right of vertical shaft 14 is not sufficient to accommodate a disc tray 12. The entire outer housing of the disc handling

mechanism would have to be expanded to permit passage of a disc tray 12 into the opening between the vertical shaft 14 and the right edge of disc handling mechanism 10.

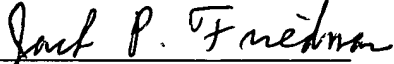
Based on the foregoing discussion, Applicants respectfully submit therefore that it would not have been obvious to one skilled in the art at the time the invention was made to modify Shindo's disc handling mechanism and to so derive Applicants, invention as claimed in claims 1 or 20. Applicants respectfully maintain that the Examiner has not made a *prima facie* case of obviousness, and that Shindo does not anticipate either of independent claims 1 or 20. Therefore, Applicants submit that claims 1 and 20 are in condition for allowance.

Dependent claims 3-19 depend variously from independent claim 1, and are therefore allowable for the same reasons.

### Conclusion

Accordingly, based on the preceding arguments, Applicants respectfully submit that claims 1 and 3-20, and the entire application, are in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

  
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**APPENDIX A**

**Serial No.: 09/090,035**

**Identification of Amended Material**

No amendments have been made herein.